

Executive Summary – Enforcement Matter – Case No. 45368

Phillips 66 Company

RN101619179

Docket No. 2012-2231-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sweeny Refinery, located at the intersection of State Highway 35 and Farm-to-Market Road 524, Old Ocean, Brazoria County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2012-1975-AIR-E and 2012-1125-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 1, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,125

Amount Deferred for Expedited Settlement: \$2,625

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$10,500

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 45368
Phillips 66 Company
RN101619179
Docket No. 2012-2231-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 20, 2012

Date(s) of NOE(s): October 26, 2012

Violation Information

Failed to prevent unauthorized emissions. Specifically, 15,461.00 pounds ("lbs") of carbon monoxide ("CO") were released from the Unit 3 Fluid Catalytic Cracker Regenerator Flue Gas Stack and 1,142 lbs of sulfur dioxide, 202 lbs of CO, 31 lbs of nitrogen oxides and 343 lbs of volatile organic compounds were released from the Coker Flare, during an emissions event (Incident No. 170961) which began on July 11, 2012, and lasted for 29 hours. The event occurred when Respondent failed to maintain an aeration system designed to prevent plugging of the differential pressure tap system by catalyst deposits. Since the emissions event was avoidable by better operational practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TCEQ Air Permit Nos. 49140, and 5920A and PSDTX103M4, Special Conditions No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On August 9, 2012, Respondent installed a redundant differential pressure tap system to serve as a backup to the initial system to prevent recurrence of emissions events due to similar causes as Incident No. 170961.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713)767-3629; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

Executive Summary – Enforcement Matter – Case No. 45368
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Docket No. 2012-2231-AIR-E

TCEQ SEP Coordinator: N/A

Respondent: Cynthia Jordy, Environmental Team Leader, Phillips 66 Company, P.O. Box 866, Sweeny, Texas 77480

Gary A. Freiburger, General Manager, Phillips 66 Company, P.O. Box 866, Sweeny, Texas 77480

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	28-Oct-2012	Screening	31-Oct-2012	EPA Due	17-Jun-2013
	PCW	31-Oct-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Phillips 66 Company		
Reg. Ent. Ref. No.	RN101619179		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	45368	No. of Violations	1
Docket No.	2012-2231-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$7,500**

Notes: Enhancement for four NOV's with same/similar violations, eight NOV's with dissimilar violations, five orders with denial of liability, and six orders without denial of liability. Reduction for seven notices of intent to conduct an audit and three disclosures of violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,875**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$56
Approx. Cost of Compliance \$10,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$13,125**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$13,125**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$13,125**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,625**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$10,500**

Screening Date 31-Oct-2012

Docket No. 2012-2231-AIR-E

PCW

Respondent Phillips 66 Company

Policy Revision 3 (September 2011)

Case ID No. 45368

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	6	150%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 273%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, eight NOVs with dissimilar violations, five orders with denial of liability, and six orders without denial of liability. Reduction for seven notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 273%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 31-Oct-2012

Docket No. 2012-2231-AIR-E

PCW

Respondent Phillips 66 Company

Policy Revision 3 (September 2011)

Case ID No. 45368

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101619179

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), TCEQ Air Permit Nos. 49140, and 5920A and PSDTX103M4, Special Conditions No. 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 15,461.00 pounds ("lbs") of carbon monoxide ("CO") were released from the Unit 3 Fluid Catalytic Cracker Regenerator Flue Gas Stack and 1,142 lbs of sulfur dioxide, 202 lbs of CO, 31 lbs of nitrogen oxides and 343 lbs of volatile organic compounds were released from the Coker Flare, during an emissions event (Incident No. 170961) which began on July 11, 2012, and lasted for 29 hours. The event occurred when the Respondent failed to maintain an aeration system designed to prevent plugging of the differential pressure tap system by catalyst deposits. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent completed the corrective actions on August 9, 2012, prior to the October 26, 2012 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent Phillips 66 Company

Case ID No. 45368

Reg. Ent. Reference No. RN101619179

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	11-Jul-2012	9-Aug-2012	0.08	\$3	\$53	\$56
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to install a redundant pressure tap system. The Date Required is the date the emissions event began and the Final Date is the date the corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$56

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN604065912, RN101619179, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN604065912, PHILLIPS 66 COMPANY

Classification: SATISFACTORY

Rating: 35.72

Regulated Entity: RN101619179, SWEENEY REFINERY

Classification: SATISFACTORY

Rating: 12.90

Complexity Points: 33

Repeat Violator: NO

CH Group: 02 - Oil and Petroleum Refineries

Location: LOCATED AT THE INTERSECTION OF STATE HWY 35 AND FM 524, OLD OCEAN, BRAZORIA COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS REGISTRATION 72035
AIR NEW SOURCE PERMITS REGISTRATION 10779
AIR NEW SOURCE PERMITS REGISTRATION 12993
AIR NEW SOURCE PERMITS REGISTRATION 13929
AIR NEW SOURCE PERMITS PERMIT 1486A
AIR NEW SOURCE PERMITS PERMIT 5920A
AIR NEW SOURCE PERMITS PERMIT 7754A
AIR NEW SOURCE PERMITS PERMIT 21265
AIR NEW SOURCE PERMITS REGISTRATION 24161
AIR NEW SOURCE PERMITS REGISTRATION 26533
AIR NEW SOURCE PERMITS PERMIT 30513
AIR NEW SOURCE PERMITS REGISTRATION 35367
AIR NEW SOURCE PERMITS REGISTRATION 35780
AIR NEW SOURCE PERMITS REGISTRATION 42367
AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0042G
AIR NEW SOURCE PERMITS REGISTRATION 75616
AIR NEW SOURCE PERMITS REGISTRATION 75713
AIR NEW SOURCE PERMITS REGISTRATION 70113
AIR NEW SOURCE PERMITS REGISTRATION 54666
AIR NEW SOURCE PERMITS REGISTRATION 53563
AIR NEW SOURCE PERMITS EPA ID PSDTX103M1
AIR NEW SOURCE PERMITS EPA ID PSDTX103M2
AIR NEW SOURCE PERMITS REGISTRATION 76644
AIR NEW SOURCE PERMITS REGISTRATION 77648
AIR NEW SOURCE PERMITS REGISTRATION 77156
AIR NEW SOURCE PERMITS REGISTRATION 77152
AIR NEW SOURCE PERMITS REGISTRATION 77155
AIR NEW SOURCE PERMITS REGISTRATION 78566
AIR NEW SOURCE PERMITS REGISTRATION 81104
AIR NEW SOURCE PERMITS REGISTRATION 82601
AIR NEW SOURCE PERMITS EPA ID PSDTX1210
AIR NEW SOURCE PERMITS PERMIT 91902
AIR NEW SOURCE PERMITS REGISTRATION 95086
AIR NEW SOURCE PERMITS REGISTRATION 25389

AIR OPERATING PERMITS PERMIT 1626

AIR OPERATING PERMITS ACCOUNT NUMBER BL0042G

WASTEWATER PERMIT WQ0000721000

PETROLEUM STORAGE TANK REGISTRATION

AIR NEW SOURCE PERMITS REGISTRATION 72036
AIR NEW SOURCE PERMITS REGISTRATION 12344
AIR NEW SOURCE PERMITS REGISTRATION 13744
AIR NEW SOURCE PERMITS REGISTRATION 13978
AIR NEW SOURCE PERMITS PERMIT 5689A
AIR NEW SOURCE PERMITS PERMIT 7467A
AIR NEW SOURCE PERMITS PERMIT 18142
AIR NEW SOURCE PERMITS PERMIT 22086
AIR NEW SOURCE PERMITS REGISTRATION 24717
AIR NEW SOURCE PERMITS REGISTRATION 25434
AIR NEW SOURCE PERMITS REGISTRATION 33153
AIR NEW SOURCE PERMITS REGISTRATION 35506
AIR NEW SOURCE PERMITS REGISTRATION 39026
AIR NEW SOURCE PERMITS REGISTRATION 43038
AIR NEW SOURCE PERMITS REGISTRATION 55489
AIR NEW SOURCE PERMITS REGISTRATION 75905
AIR NEW SOURCE PERMITS AFS NUM 4803900010
AIR NEW SOURCE PERMITS PERMIT 49140
AIR NEW SOURCE PERMITS REGISTRATION 52705
AIR NEW SOURCE PERMITS REGISTRATION 74130
AIR NEW SOURCE PERMITS REGISTRATION 76776
AIR NEW SOURCE PERMITS REGISTRATION 76731
AIR NEW SOURCE PERMITS EPA ID PSDTX103M3
AIR NEW SOURCE PERMITS REGISTRATION 77153
AIR NEW SOURCE PERMITS REGISTRATION 77157
AIR NEW SOURCE PERMITS REGISTRATION 77154
AIR NEW SOURCE PERMITS REGISTRATION 77336
AIR NEW SOURCE PERMITS PERMIT 80806
AIR NEW SOURCE PERMITS REGISTRATION 82689
AIR NEW SOURCE PERMITS REGISTRATION 88376
AIR NEW SOURCE PERMITS EPA ID N124
AIR NEW SOURCE PERMITS EPA ID PSDTX103M4
AIR NEW SOURCE PERMITS EPA ID PSDTX751M1
AIR QUALITY NON PERMITTED ACCOUNT NUMBER BL0042G

AIR OPERATING PERMITS PERMIT 1626

WASTEWATER EPA ID TX0007536

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 20580

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION

REGISTRATION 83813
USED OIL REGISTRATION C88564
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD048210645
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50186

STORMWATER PERMIT TXR05BI94
WASTE WATER GENERAL PERMIT PERMIT TXG670203

(SWR) 30048
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0042G
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30048
POLLUTION PREVENTION PLANNING ID NUMBER
P00531
STORMWATER PERMIT TXR05BI93

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: October 31, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 31, 2007 to October 31, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Nadia Hameed

Phone: (713) 767-3629

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A.Final Orders, court judgments, and consent decrees:

- | | |
|---|--|
| 1 | Effective Date: 03/08/2008 ADMINORDER 2007-0670-AIR-E (Findings Order) |
| | Classification: Moderate |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b) |
| | Rqmt Prov:Special Condition 1 PERMIT |
| | Description: Failed to prevent unauthorized emissions. |
| | Classification: Moderate |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b) |
| | Rqmt Prov:Permit 49140, Special Condition 12 PERMIT |
| | Description: Failed to comply with the permitted emission rate of 2.44 lbs of PM per 1,000 lbs of coke burn-off. |
| | Classification: Moderate |
| | Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b) |
| | Rqmt Prov:Permit Representations PERMIT |
| | Description: Failed to prevent unauthorized emissions. |
| | Classification: Moderate |
| | Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b) |
| | Rqmt Prov:Permit Representations PERMIT |
| | Description: Failed to prevent unauthorized emissions. |
| | Classification: Moderate |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b) |
| | Rqmt Prov:Special Condition 1 PERMIT |
| | Description: Failed to prevent unauthorized emissions. |
| | Classification: Moderate |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b) |
| | Rqmt Prov:TCEQ Air Permit No. 5920A, SC #1 PERMIT |

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly notify the TCEQ of emissions events that occurred on October 16, 2006 and January 7, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:Permit Representations PERMIT

Description: Failed to prevent unauthorized emissions.

2 **Effective Date: 06/05/2008 ADMINORDER 2007-1194-AIR-E (Findings Order)**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:Special Condition 1 PA

TCEQ Air Permit No. SP75864, GC #8 PERMIT

Description: Failed to control unauthorized emissions from April 2 through April 10, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:FOP O-01626, ST&C 1A OP

Description: Failed to maintain the RTO at or above the required 1500°F.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:FOP O-01626, ST&C 19 OP

FOP O-01626, ST&C 1A OP

Permit 18142, Special Condition 15 PERMIT

Permit 22086, Special Condition 9 PERMIT

Permit 30513, Special Condition 5 PERMIT

Permit 5920A, Special Condition 4B PERMIT

Permit 7467A, Special Condition 4 PERMIT

Description: Failed to maintain a continuous pilot light on four flares.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:FOP O-01626, ST&C 19 OP

FOP O-01626, ST&C 1A OP

Permit 5920A, Special Condition 1 PERMIT
 Permit 5920A, Special Condition 9 PERMIT

Description: Failed to comply with the SRU TGI (EPN 28.2-36-2) MAER for SO₂ of 115.42 lbs/hr and/or an in-stack hourly average concentration of 250 ppmv.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1565(a)(1)(i)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:FOP O-01626, ST&C 19 OP
 FOP O-01626, ST&C 1A OP
 Permit 30513, Special Condition 1 PERMIT
 Permit 5920A, Special Condition 1 PERMIT
 Permit 5920A, Special Condition 23 PERMIT

Description: Failed to comply with the CO emission rates on the HOC Unit Regenerator Stack (EPN 27.1-36-RE), Vacuum Unit Heater (EPN 29.1-36-1), Coke Heaters (EPN Unit 29.2-36-CS), and CCR Furnace (EPN 35-36-1)
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:FOP O-01626, ST&C 19 OP
 FOP O-01626, ST&C 1A OP
 Permit 5920A, Special Condition 3 PERMIT

Description: Failed to comply with the average fuel gas H₂S maximum concentration limit of 160 ppmv for one hour and/or the three-hour rolling average of 162 ppmv.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:FOP O-01626, ST&C 1A OP

Description: Failed to maintain the pH level in the Caustic Scrubber (EPN 35-95-102) at or above 7.68.

3 Effective Date: 06/19/2008 ADMINORDER 2007-1730-AIR-E (1660 Order)

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov:TCEQ Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions

4 Effective Date: 03/12/2009 ADMINORDER 2008-0687-AIR-E (1660 Order)

Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov:TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a one hour 35 minute emissions event which occurred on January 28, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 21, 2008.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour 40 minute emissions event which occurred on February 9, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:TCEQ Permit No. 5920A, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour 23 minute emissions event which occurred on February 25, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), Air Permit Nos. 5920A and PSD-TX-103M3, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:TCEQ Permit No. 21265, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions during a four hour emissions event which occurred on February 14, 2008, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 21265, General Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 24, 2008. This was Incident No. 103700.

5 **Effective Date: 06/15/2009 ADMINORDER 2008-1890-AIR-E (1660 Order)**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:TCEQ Air Permit No. 5920A, SC #1 PERMIT

Description: Failure to prevent unauthorized emissions, specifically, Conoco failed to prevent a high level of hydrocarbons from traveling to the gas liquid knockout drum causing the Wet Gas Compressor to trip offline.

6 **Effective Date: 09/21/2009 ADMINORDER 2009-0301-AIR-E (Findings Order)**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions. The regulated entity failed to bypass the Fail Safe Controller due to operator error.

7 **Effective Date: 01/28/2010 ADMINORDER 2009-1203-AIR-E (1660 Order)**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:#5920A, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 987.26 pounds ("lbs") of sulfur dioxide, 731.86 lbs of carbon monoxide, 314 lbs of volatile organic compounds, 37.8 lbs of nitrogen oxide and 9.84 lbs of hydrogen sulfide from the Coker Unit during an avoidable emissions event (Incident No. 122601) that began April 9, 2009 and lasted 29 hours and five minutes. A single size reduction carbon steel bushing gave way and resulted in a fire in the Coker Unit leading to th

8 **Effective Date: 03/20/2010 ADMINORDER 2009-1481-AIR-E (Findings Order)**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Pemit 30513 SC 1 PERMIT
Permit 7467 SC No. 1 PERMIT
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to the ultrasonic meter probe contacting a bare, hot wire thus shutting down Units 26.1 and 26.2
Violation track nos. 373115 and 373119 were combined into violation track no.371461 as all violations stemmed from one emissions event.

- 9 **Effective Date: 08/30/2010 ADMINORDER 2010-0284-AIR-E (Findings Order)**
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:Special Condition #1 PERMIT
 Description: Failed to prevent unauthorized emissions. Since the cause of the event was never clearly defined, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.
- 10 **Effective Date: 07/02/2011 ADMINORDER 2010-2001-AIR-E (1660 Order)**
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:Special Condition #1 PERMIT
 Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 14,186 pounds ("lbs") of particulate matter, 216 lbs of volatile organic compounds, 147.8 lbs of carbon monoxide, 21.7 lbs of sulfur dioxide, and 20 lbs of nitrogen oxide from the Unit 27 Regenerator Flue Gas Stack, Coker Flare, HP Expansion Flare No. 16, and LP Expansion Flare No. 17 during an avoidable emissions event (Incident No. 144709) that began September 13, 2010 and lasted for 17 hours and 54 minutes. The un
- 11 **Effective Date: 03/03/2012 ADMINORDER 2011-1766-AIR-E (Findings Order)**
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:Permit No. 5920A & PSDTX103M4, SC1 PA
 Special Condition No. 1 PERMIT
 Special Terms and Conditions No. 19 OP
 Description: Failure to prevent unauthorized emissions. ConocoPhillips failed to prevent a power interruption at the refinery during maintenance activities.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 02, 2007	(571706)
Item 2	November 06, 2007	(599098)
Item 3	November 20, 2007	(608723)
Item 4	November 21, 2007	(596539)
Item 5	December 03, 2007	(609822)
Item 6	December 17, 2007	(612145)
Item 7	December 18, 2007	(599171)
Item 8	December 19, 2007	(612456)
Item 9	December 21, 2007	(593859)
Item 10	January 03, 2008	(612155)
Item 11	January 14, 2008	(613926)
Item 12	January 18, 2008	(615198)
Item 13	January 24, 2008	(612103)
Item 14	January 31, 2008	(613321)
Item 15	February 11, 2008	(613195)
Item 16	February 13, 2008	(608867)
Item 17	February 14, 2008	(618465)
Item 18	March 27, 2008	(639901)
Item 19	April 09, 2008	(641666)
Item 20	April 17, 2008	(653311)
Item 21	April 30, 2008	(653939)
Item 22	May 19, 2008	(639382)

Item 23	June 06, 2008	(640956)
Item 24	July 21, 2008	(685742)
Item 25	August 01, 2008	(687062)
Item 26	August 11, 2008	(689155)
Item 27	August 22, 2008	(805052)
Item 28	September 20, 2008	(702288)
Item 29	September 25, 2008	(805054)
Item 30	October 01, 2008	(703544)
Item 31	October 22, 2008	(805056)
Item 32	October 30, 2008	(706377)
Item 33	November 24, 2008	(805058)
Item 34	December 04, 2008	(707940)
Item 35	December 17, 2008	(700784)
Item 36	December 22, 2008	(805060)
Item 37	January 21, 2009	(709192)
Item 38	February 03, 2009	(723350)
Item 39	February 13, 2009	(709189)
Item 40	February 20, 2009	(709498)
Item 41	February 23, 2009	(805045)
Item 42	February 27, 2009	(735795)
Item 43	March 11, 2009	(805047)
Item 44	March 20, 2009	(726792)
Item 45	March 27, 2009	(726794)
Item 46	April 03, 2009	(709031)
Item 47	April 21, 2009	(805048)
Item 48	May 26, 2009	(805049)
Item 49	June 05, 2009	(741192)
Item 50	June 24, 2009	(805050)
Item 51	June 25, 2009	(742122)
Item 52	July 21, 2009	(805051)
Item 53	July 23, 2009	(761549)
Item 54	July 31, 2009	(749895)
Item 55	August 10, 2009	(760953)
Item 56	August 20, 2009	(805053)
Item 57	September 16, 2009	(760944)
Item 58	September 18, 2009	(805055)
Item 59	November 23, 2009	(805059)
Item 60	December 03, 2009	(779587)
Item 61	December 18, 2009	(785568)
Item 62	December 23, 2009	(805061)
Item 63	January 25, 2010	(805063)
Item 64	February 01, 2010	(788979)
Item 65	February 16, 2010	(791839)
Item 66	February 17, 2010	(787393)
Item 67	February 22, 2010	(787724)
Item 68	March 15, 2010	(794228)
Item 69	March 22, 2010	(831019)
Item 70	April 16, 2010	(798923)
Item 71	May 21, 2010	(831021)
Item 72	May 26, 2010	(801655)
Item 73	June 21, 2010	(798906)
Item 74	June 25, 2010	(827684)
Item 75	August 23, 2010	(866880)
Item 76	September 02, 2010	(843405)
Item 77	September 03, 2010	(843440)
Item 78	September 20, 2010	(873950)
Item 79	October 21, 2010	(881547)
Item 80	October 29, 2010	(872298)
Item 81	December 06, 2010	(880440)
Item 82	December 20, 2010	(888069)
Item 83	February 14, 2011	(891039)

Item 84	February 22, 2011	(909135)
Item 85	March 09, 2011	(877964)
Item 86	March 18, 2011	(916386)
Item 87	April 25, 2011	(906079)
Item 88	May 23, 2011	(938072)
Item 89	June 06, 2011	(915898)
Item 90	June 13, 2011	(919865)
Item 91	June 17, 2011	(924158)
Item 92	June 21, 2011	(921628)
Item 93	July 25, 2011	(952669)
Item 94	August 15, 2011	(959355)
Item 95	August 17, 2011	(943566)
Item 96	August 19, 2011	(923224)
Item 97	September 22, 2011	(965387)
Item 98	December 16, 2011	(971048)
Item 99	January 30, 2012	(984353)
Item 100	February 09, 2012	(974304)
Item 101	March 06, 2012	(987796)
Item 102	March 22, 2012	(983699)
Item 103	April 03, 2012	(987823)
Item 104	May 15, 2012	(1016495)
Item 105	June 13, 2012	(1024218)
Item 106	July 25, 2012	(1009419)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 10/31/2011 (977583)	CN604065912	
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 12/31/2011 (990649)	CN604065912	
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 01/31/2012 (998013)	CN604065912	
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 02/29/2012 (1003539)	CN604065912	
	Self Report? YES	Classification:	Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 03/08/2012 (980401)	CN604065912	
	Self Report? NO	Classification:	Minor
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 117, SubChapter B 117.345(c)(1) 5C THSC Chapter 382 382.085(b) Special Condition 16F OP		
	Description: Failure to submit a stack test report before the deadline after the Initial compliance test of Unit 39.1 Tail Gas Incinerator (EPN: 39.1-95-118). C-3		Cat

- 6 **Date: 03/31/2012 (1010104)** **CN604065912**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 **Date: 05/08/2012 (984166)** **CN604065912**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PROVISION VII.G.2. PERMIT
Description: Failure to maintain the cover on the East Landfarm (Permit Unit No. 1, NOR Unit No. 006).
- 8 **Date: 06/22/2012 (1008800)** **CN604065912**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. Incident # 167766 occurred on April 24, 2012 in Unit 68.1 - Refinery Tank Farm due to the leak in the propylene-propane mix pipeline due to pipe corrosion resulting in the release the following unauthorized fugitive emissions from the pipeline: 132 lbs of propylene, 42.0 lbs of propane, and 4.00 lbs of ethane. [Category B13]
- 9 **Date: 06/30/2012 (1031610)** **CN604065912**
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 10 **Date: 07/18/2012 (1013349)** **CN604065912**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. [Subcategory A.12(i)(6)]
- 11 **Date: 08/31/2012 (989640)** **CN604065912**
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to reference or include the required information for reportable and non-reportable events in the deviation reports
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report all instances of deviations in a deviation report
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term and Condition 19 OP
Description: Failure to maintain NOx emissions from Unit 26.1 Combined Heat Stack below the hourly limit of 0.12 lb/MMBtu
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP
Description: Failure to maintain CO emissions from Unit 27.1 Regenerator Flue Gas Stack (EPN 27.1-36-RE)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
SC 4B PERMIT
ST&C 19 OP

Description: Failure to maintain flare pilot flame for Flare No. 11 (EPN 56-61-11)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 8B PERMIT
ST&C 19 OP

Description: Failure to maintain SO2 concentration in the Tail Gas Incinerator (TGI) stack (EPN 28-3-36-2) below 250 ppmv
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.139(c)(1)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to properly operate the Regenerative Thermal Oxidizer (EPN 56-61-152)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to monitor a pressure relief valve within 24 hours
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
SC 25E PERMIT
ST&C 1 and 19 OP

Description: Failure to equip open-ended-valves or lines with a cap, plug, or second valve
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to repair a pump (Pump No. 15P32A) in Unit 15 within 15 days
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to properly operate continuous emission monitoring systems (CEMS) in continuous operation due to communication failure
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter G 117.8130
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to properly operate continuous emission monitoring systems (CEMS) in continuous operation due to a hole in the sampling system
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1 OP

Description: Failure to limit NH3 emissions from the FCC Regenerator Exhaust (EPN 27.1-36-RE) to 10 ppmv
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
ST&C 19 OP

Description: Failure to limit NH3 emissions from the FCC Regenerator Exhaust (EPN 27.1-36-RE) to 4.84 lb/hr
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
 5C THSC Chapter 382 382.085(b)
 SC 22D PERMIT
 ST&C 1 and 19 OP

Description: Failure to maintain the Caustic Scrubber (EPN 35-95-102) at a minimum pH
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 ST&C 19 OP

Description: Failure to maintain SO2 emissions from FCCU No. 3 Regenerator Vent (EPN 3-95-3) below the maximum allowable emission rate of 22.52 lb/hr
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 25F PERMIT
 ST&C 19 OP

Description: Failure to re-monitor a pump after leak repair
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(2)(ii)(B)
 5C THSC Chapter 382 382.085(b)
 ST&C 1 OP

Description: Failure to control emissions from Unit 25.1 lift station and Unit 26.1 lift station
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)
 5C THSC Chapter 382 382.085(b)
 ST&C 1 OP

Description: Failure to tightly seal the biosump and the main lift station hatch
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)
 5C THSC Chapter 382 382.085(b)
 ST&C 1 OP

Description: Failure to perform visual inspections of the closed vent system from the water management units to the Regenerative Thermal Oxidizer (RTO)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(B)
 5C THSC Chapter 382 382.085(b)
 ST&C 1 OP

Description: Failure to tightly seal the induced air floatation
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 25F PERMIT
 ST&C 1 and 19 OP

Description: Failure to monitor 19 valves in VOC gas or light liquid service
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 26 PERMIT
 ST&C 1 and 19 OP

Description: Failure to monitor 93 connectors in VOC gas or light liquid service
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 28 PERMIT
 ST&C 1 and 19 OP

Description: Failure to monitor drains in VOC service

Date: 09/21/2012 (1023036)**CN604065912**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an excess opacity event.

F. Environmental audits:**Notice of Intent Date: 08/02/2007(594140)****Disclosure Date: 01/03/2008**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1
40 CFR Part 60, Subpart VV 60.482-7

Description: Failure to close open ended lines.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.783
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(d)
40 CFR Part 63, Subpart H 63.168

Description: Failure to properly communicate management of change; therefore, components were not evaluated, documented, tagged and monitored in a timely manner.

Notice of Intent Date: 07/27/2009(764948)

No DOV Associated

Notice of Intent Date: 09/16/2009(777741)

No DOV Associated

Notice of Intent Date: 09/07/2010(858408)**Disclosure Date: 06/17/2011**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)

Description: Failure to repair HRVOC>10,000-ppm within 7- calendar days.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

Description: Failure in having 6x open-ended lines.

Viol. Classification: Moderate

Rqmt Prov: PERMIT SC 6H

Description: Failure to perform 5-day first attempt and 15-day final repair.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter D 115.354(2)

Description: Failure to monitor within 30 days of hydrocarbon service and perform subsequent quarterly monitoring of light liquid and gas/vapor components.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782
30 TAC Chapter 115, SubChapter H 115.782(c)

Description: Failure to perform emissions calculations and extraordinary attempts for HRVOC components placed on Delay of Repair(DOR).

Notice of Intent Date: 07/08/2011(941850)**Disclosure Date: 12/16/2011**

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 21265 SC 2
PERMIT S.C. 12
PERMIT S.C. 25

Description: Failure to conduct monitoring within 30 days of hydrocarbon service and failure to perform subsequent quarterly monitoring of light liquid and gas/vapor components (Approximely 0.01% error rate).
Additionally, failure to correctly designate components for monitoring and failure to perform subsequent quarterly monitoring of light liquid and gas/vapor components (Approximately 0.01% and 1.8%error rate).
According to Permit 590A SC 25, Permit 30513 SC 12, and Permit 21265 SC 2

Notice of Intent Date: 12/06/2011(989451)

No DOV Associated

Notice of Intent Date: 05/22/2012(1014066)

No DOV Associated

Notice of Intent Date: 07/25/2012(1027881)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PHILLIPS 66 COMPANY
RN101619179**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-2231-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Phillips 66 Company ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery at the intersection of State Highway 35 and Farm-to-Market Road 524 in Old Ocean, Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 31, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand One Hundred Twenty-Five Dollars (\$13,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Five

Hundred Dollars (\$10,500) of the administrative penalty and Two Thousand Six Hundred Twenty-Five Dollars (\$2,625) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on August 9, 2012, the Respondent installed a redundant differential pressure tap system to serve as a backup to the initial system to prevent recurrence of emissions events due to similar causes as Incident No. 170961.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TCEQ Air Permit Nos. 49140, and 5920A and PSDTX103M4, Special Conditions No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 20, 2012. Specifically, 15,461.00 pounds ("lbs") of carbon monoxide ("CO") were released from the Unit 3 Fluid Catalytic Cracker Regenerator Flue Gas Stack and 1,142 lbs of sulfur dioxide, 202 lbs of CO, 31 lbs of nitrogen oxides and 343 lbs of volatile organic compounds were released from the Coker Flare, during an emissions event (Incident No. 170961) which began on July 11, 2012, and lasted for 29 hours. The event occurred when the Respondent failed to maintain an aeration system designed to prevent plugging of the differential pressure tap system by catalyst deposits. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Phillips 66 Company, Docket No. 2012-2231-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ben D. Mauer
For the Executive Director

3/14/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Larry A. Freiburger
Signature

1/15/2013
Date

GARY A. FREIBURGER
Name (Printed or typed)
Authorized Representative of
Phillips 66 Company

General Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.